

4B-102. Application for informal probate of will and for informal appointment of personal representative (will).

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

IN THE MATTER OF THE ESTATE OF _____ No.
_____, DECEASED.

APPLICATION FOR INFORMAL
PROBATE OF WILL
AND FOR INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE
(WILL)¹

I, _____, state that:

1. I had the following relationship with _____, the person who died (*the decedent*), that qualifies me to act as personal representative of the estate.

(Choose one)

(Review the priorities for appointment set out in the instructions to this form, Step 1, Probate Form 4B-022 NMRA.)

- ☐ I have been nominated in the will of the decedent;
- ☐ I am the surviving spouse of the decedent and am listed in the will as a devisee;
- ☐ I am one of the devisees of the estate as listed in the will;
- ☐ I am the surviving spouse of the decedent, but am not listed in the will as a devisee;
- ☐ I am one of the heirs of the estate, but am not listed in the will as a devisee;
- ☐ I am an interested person, including a creditor of the decedent and forty-five (45) days have elapsed since the date of death of the decedent.

Because of this relationship, I have an interest in the estate, and I am willing to serve as personal representative of the decedent's estate. I am not disqualified to act as personal representative. I do not know of anyone else who is interested in serving as personal representative who has priority to serve as set out in the Uniform Probate Code.

2. The decedent died on _____ (*date*), at the age of _____.

At death, the decedent

(Choose one)

- ☐ lived in _____ County, New Mexico or
☐ did not live in New Mexico, but lived in _____ County, State of _____
_____ and owned property in _____ County,
New Mexico.

3. I am filing the original of the will of the decedent, dated _____, at the same time I am filing this application. I believe that this is the current and correct will.
4. The following is a list of the devisees named in the will [including myself]², together with a list of the decedent's spouse, children and heirs who may not be named in the will, if any:

Name	Address	Relationship to Decedent	Age (if minor)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

5. I believe that this will has been validly executed.
6. I have carefully searched for a document that revokes this will and have not found such a document.
7. A personal representative has not been appointed in New Mexico or anywhere else.
8. I do not know of any other probate action either in New Mexico or anywhere else.
9. (Choose one)
☐ I have checked with the district court clerk about a demand for notice and found no such demand. I have not received, and do not know of, any demand from anyone for notice of any probate or related proceeding; or
☐ I am aware of a demand for notice and have sent the required notice to each person who demanded notice;
10. The decedent died more than one-hundred twenty (120) hours ago. It has not been more than three (3) years since the decedent's death.

WHEREFORE, I ask this court to:

- A. Enter an order informally probating the will of the decedent;
B. Appoint me as the personal representative of the decedent's estate;
C. Allow me to serve without posting a bond, in an unsupervised administration,
D. Ask the court clerk to issue Letters Testamentary to me; and
E. Order such other relief as this court believes to be appropriate.

Signature of applicant

Printed name

Street address

City, state and zip code

Telephone number

STATE OF NEW MEXICO)
)ss.
COUNTY OF _____)

I, _____, am the applicant. I state, upon oath, that the application, and the statements in it, are true and correct as far as I know and believe.

Signature of applicant

SIGNED AND SWORN TO before me this ____ day of _____, ____ by
_____.

(Seal)

Notary Public
My commission expires:

(If anyone has an equal or higher priority than you for appointment as personal representative, as discussed in the instructions for this form, Probate Form 4B-105, Step 1, have each sign below to show that person's consent to your serving as personal representative.)

I consent to the appointment of the personal representative listed above.

Name: _____

Signature: _____

Relationship to decedent: _____

Street address: _____

City, state and zip code: _____

Name: _____

Signature: _____

Relationship to decedent: _____

Street address: _____

City, state and zip code: _____

Name: _____

Signature: _____

Relationship to decedent: _____

Street address: _____

City, state and zip code: _____

USE NOTE

1. *See* Section 45-3-203 NMSA 1978 for priority among persons seeking appointment as personal representative and Section 45-3-301 NMSA 1978 for informal appointment of a personal representative.
2. If the applicant is an “heir”, as defined in 4B-002 NMRA, use the bracketed language.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-05, effective March 1, 2007.]